

## **REMARKS**

Claims 1-33 are currently pending. In the January 9, 2007 Office Action, the Examiner rejected claims 21-30 and 33 under 35 U.S.C. § 101 as directed to non-statutory matter. In addition, claims 1-9, 11-19, 21-29, and 31-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0091798 to Joshi et al. (hereinafter “Joshi”); and rejected claims 10, 20, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Joshi. Applicants respectfully traverse the rejections for the reasons set forth hereinbelow.

Independent claims 21 and 33 have been amended to recite that the computer product is stored in a tangible computer-readable medium. Applicants submit, therefore, that the rejection of claims 21-30 and 33 under 35 U.S.C. §101 has been overcome.

Applicants’ invention, as claimed in independent claims 1, 11, 21, 31, 32, and 33, is directed to an apparatus, method, computer program and computer program product for performing authentication operations. In various embodiments of Applicants’ invention as claimed in the aforementioned independent claims, a client requests a resource from a server and a non-certificate-based authentication operation is performed through an SSL (Secure Sockets Layer) session between the server and the client. When the client subsequently requests another resource and the server determines to step up to a more restrictive level of authentication, a certificate-based authentication operation is performed through the SSL session without exiting or renegotiating the SSL session prior to completion of the certificate-based authentication operation.

In the rejection under 35 U.S.C. §102, Examiner alleges that the Joshi reference teaches all of the limitations discussed above. It is clear, however, that Joshi does not teach a first resource request authenticated through an SSL session and a subsequent request, wherein and a certificate-based authentication operation is performed through the SSL session without exiting or renegotiating the SSL session prior to completion of the certificate based operation. Referring to paragraphs 144 and 145 cited by Examiner, Joshi states that the authentication scheme can specify “one of four challenge methods.” One of the authentication methods listed, X.509, can be used over an SSL connection between a user’s browser and a web server host. Joshi does not disclose performing authentication for a second resource request without exiting the SSL session. Applicants

respectfully submit, therefore, that Examiner has failed to provide a reference or combination of references that anticipates Applicants' independent claims as required under 35 U.S.C. §102.

With regard to the rejection of claims 10, 20, and 30, Applicants respectfully submit that these claims are allowable based upon an allowable base claim for the reasons set forth above. Applicants further submit that Examiner has mischaracterized the process disclosed in Figure 35. Examiner asserts that Figure 35 discloses the “sending a second resource request from the client to the server through the SSL session.” (emphasis added) Referring to the description associated with Figure 35, (in paragraph 203) Joshi describes the process steps in Figure 35 as an embodiment, not as a continuation of a prior embodiment. Furthermore, reference numeral 1348 does not state a second resource request. Indeed, the only possible reading of the process described in Figure 35 is the sending of a single resource request from the client to the server. Likewise, Applicants submit that reference numeral 1366 does not disclose that a second resource response is received from the server at the client, since no first resource response is shown in Figure 35.

On page 9 of the Office Action, Examiner has taken “official notice” that several processing steps recited in claims 10, 20, and 30 are obvious in view of the nature of the teachings of Joshi. Applicants respectfully traverse the rejection of these claims based on official notice and request Examiner to provide documentary evidence. In view of the fact that dependent claims 10, 20, and 30 are allowable as being dependent upon allowable base claims, Applicants respectfully submit that the rejection of these claims under 35 U.S.C. 103 should be removed for the reasons discussed above. If, however, Examiner persists with the rejection of dependent claims 10, 20, and 30, Applicants respectfully request that the documentary evidence be submitted in the next office action.

## **CONCLUSION**

In summary, Applicants respectfully submit that independent claims 1, 11, 21, 31, 32, and 33 are allowable over the art of record for the reasons set forth above. Applicants further submit that all of the dependent claims are allowable since they depend from allowable base claims. In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

ELECTRONICALLY FILED  
April 9, 2007

Respectfully submitted,

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